

## DECLARATION AND POWER OF ATTORNEY

### DECLARATION:

As a below-named sole inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

Those below-named are inventors of the subject matter which is claimed and for which a patent is sought on the invention for "ANCHORED FIDUCIAL APPARATUS AND METHOD" the specification of which:

X is attached hereto;

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.

I acknowledge the duty to disclose information which is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

### PRIOR FOREIGN APPLICATIONS

Number	Country	Date Filed	Priority Claimed (Yes/No)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) regarding events which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

**PRIOR UNITED STATES APPLICATIONS**

Application Serial Number	Filing Date	Status

I hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**POWER OF ATTORNEY**

On behalf of Accuray Incorporated, Assignee of my entire right, title and interest, I hereby appoint the following attorney(s) and/or agent(s) with full power of substitution to act exclusively for Accuray to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

Barry N. Young (Reg. No. 27,744); Timothy W. Lohse (Reg. No. 35,255); Steven R. Sprinkle (Reg. No. 40,825); Terrance A. Meador (Reg. No. 30,298); Ramsey R. Stewart (Reg. No. 38,322); June M. Learn (Reg. No. 31,238); John Oskorep (Reg. No. 41,234); Timothy N. Ellis (Reg. No. 41,734); William G. Goldman (Reg. No. 42,590); Sheila Kirschenbaum (Reg. No. 44,835); Travis L. Dodd (Reg. No. 42,491); Charles D. Gavrilovich, Jr. (Reg. No. 41,031); Gerald W. Maliszewski (Reg. No. 38,054); Hayward A. Verdun (Reg. No. 43,223); Armando Pastrana, Jr. (Reg. No. 44,997); Richard M. Goldman (Reg. No. 25,585); Lisa A. Haile (Reg. No. 38,347); Sal Lim (Reg. No. 45,706); Joseph R. Baker, Jr. (Reg. No. 40,900); Richard J. Imbra (Reg. No. 37,643); Mark L. Berrier (Reg. No. 35,066); Mark M. Takahashi (Reg. No. 38,631); James P. Cleary (Reg. No. 45,843); Karl A. Limbach (Reg. No. 18,689); Gerald T. Sekimura (Reg. No. 30,103); Kyla L. Harriel (Reg. No. 41,816); Eric N. Hoover (Reg. No. 37,355); George C. Limbach (Reg. No. 19,305); Ronald L. Yin (Reg. No. 27,607); Alan A. Limbach (Reg. No. 39,749); Edward B. Weller (Reg. No. 37,468); K. Jun Kim (Reg. No. 43,335); Peter R. Leal (Reg. No. 24,226); David Alberti (Reg. No. 43,465);

All correspondence should be addressed to:

Patent Department  
 Attn.: Timothy W. Lohse  
 GRAY CARY WARE & FREIDENRICH  
 3340 Hillview Avenue, Palo Alto, CA 94304

All telephone calls should be directed to Timothy W. Lohse, phone number (650)320-7426.

Inventor's Full Name:	John R. Adler, MD
Inventor's Signature:	<i>John R. Adler, MD</i>
Date:	12/19/01
Residence: (City, State and/or country)	Stanford, CA 94305
Citizenship:	USA
Post Office Address:	894 Tolman Avenue Stanford, CA 94305

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: John R. Adler  
Serial No: N/A Group Art Unit: Unknown  
Filed: Herewith Examiner: Unknown  
Title: ANCHORED FIDUCIAL APPARATUS AND METHOD

ASSISTANT COMMISSIONER FOR PATENTS  
BOX PATENT APPLICATION  
Washington, D.C. 20231

**Verified Statement Claiming Small Entity Status**

Title: ANCHORED FIDUCIAL APPARATUS AND METHOD

In the name of: Accuray Incorporated  
described in

☒ the specification filed herewith  
☐ application serial no. \_\_\_\_\_, filed \_\_\_\_\_.  
☐ patent no. \_\_\_\_\_, issued \_\_\_\_\_.

**Small Business Concern Statement**

I hereby declare that I am

☐ the owner of the small business concern identified below:

☒ an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Concern: Accuray Incorporated

Address of Concern: 570 Del Rey Avenue  
Sunnyvale, CA 94086

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average

over the previous fiscal year of the concern of the persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e):

### Organization Identification

☒ no such person, concern, or organization

### Acknowledgment and Declaration

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.78(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: John R. Adler, M.D.

Title of Person Signing John R. Adler, M.D. CEO & Chairman

Concern's Name: Accuray Incorporated

Address of Concern: 570 Del Rey Avenue  
Sunnyvale, CA 94086

Signature of Person Signing

John R. Adler, M.D.

Date: December 19, 2001